

# Notice of Allowability

Application No.

09/737,874

Examiner

Nicholas D. Rosen

Applicant(s)

KORITZINSKY ET AL.

Art Unit

3625

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of June 10, 2005.
2. ☒ The allowed claim(s) is/are 1,2,5-14,23,24,26-28,41-53 and 55-58.
3. ☒ The drawings filed on 15 December 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

Claims 1, 2, 5-14, 23, 24, 26-28, 41-53, and 55-58 are allowed.

#### ***Allowable Subject Matter***

Claims 1, 2, and 5-14 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Wood et al. (U.S. Patent 5,891,035), discloses a method for providing operational protocols to medical diagnostic systems, the method comprising the steps of storing a protocol on a machine readable medium (column 2, lines 8-19 and 30-49; column 7, lines 1-43); establishing network links to a first modality diagnostic system at a medical diagnostic location (Figures 1 and 2; column 4, line 66, through column 6, line 38); displaying user viewable indicia descriptive of the protocol at a medical diagnostic location (column 2, lines 8-19 and 30-49; column 7, line 1, through column 8, line 4); selecting the protocol via a user interface, and thus receiving a selection (Figure 3; column 7, line 1, through column 8, line 4); and loading the protocol at the medical diagnostic location from the machine readable medium to the diagnostic system (Figure 3; column 7, line 1, through column 8, line 4). Wood does not disclose verifying a subscription status for the medical diagnostic location, but Wyman (U.S. Patent 5,260,999) teaches verifying a subscription status of a site seeking to use a program (column 6, line 43, through column 7, line 40). Wood does not disclose storing a plurality of different modality protocols, establishing network links to a first modality diagnostic system or a second modality diagnostic system, loading a protocol to one of

the first modality diagnostic system or a second modality diagnostic system, etc., but duplicating known parts for multiple effects is held to be within the level of ordinary skill in the relevant art (*St. Regis Paper Co. vs. Bemis Co.*, 193 USPQ 8, 11; 549 F2d 833 [7th Cir. 1977]; *In Re Harza*, 124 USPQ 378, 380; 274 F 2d. 669 [CCPA 1960]). Wood discloses exemplary images obtainable via the diagnostic system (column 9, line 67, through column 10, line 43) but does not disclose that the user viewable indicia include an exemplary image obtainable via each protocol, nor does Wyman or any other prior art of record teach this. The exemplary image found at the diagnostic end of Wood's process cannot properly be moved to the protocol selection process at the front of Wood's process, absent teaching in the prior art, which is lacking. Font selection in Microsoft Word shows the name of each font which a user can choose to select printing in that font, but this is not analogous art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 23-24 and 26-28 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Wood et al. (U.S. Patent 5,891,035), discloses a method for providing an operational protocol for a medical diagnostic system, the method comprising the steps of: storing the protocol on a machine readable medium (column 2, lines 8-19 and

30-49; column 7, lines 1-43); selecting a protocol, and thus receiving a selection (column 7, line 1, through column 8, line 4; Figure 3); and transmitting data defining at least one operational parameter from the machine readable medium to a system controller for execution of the protocol (column 7, lines 34-58; Figure 3). Wood does not disclose verifying a subscription status for the diagnostic location thereby allowing access to the protocol, but Wyman (U.S. Patent 5,260,999) teaches verifying a subscription status of a site seeking to use a program thereby allowing access to the program (column 6, line 43, through column 7, line 40). Wood does not expressly disclose displaying indicia descriptive of the protocol in a protocol menu of a user interface, or selecting the protocol from the menu, but menus in user interfaces are well known, and displaying indicia descriptive of a product, program, or file is well known. Wood does not disclose storing at least two protocols for at least first and second diagnostic systems of first and second respective modalities, transmitting data to a system controller for execution of one of the at least two protocols, etc. However, to duplicate known parts for multiple effects is held to be within the level of ordinary skill in the relevant art. Wood discloses exemplary images obtainable via the diagnostic system (column 9, line 67, through column 10, line 43) but does not disclose that the user viewable indicia include an exemplary image obtainable via the protocol, nor does Wyman or any other prior art of record teach this. The exemplary image found at the diagnostic end of Wood's process cannot properly be moved to the protocol selection process at the front of Wood's process, absent teaching in the prior art, which is lacking.

Font selection in Microsoft Word shows the name of each font which a user can choose to select printing in that font, but this is not analogous art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 41-45 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Wood et al. (U.S. Patent 5,891,035), discloses a method for providing an operational protocol for a medical diagnostic system, the method comprising the steps of: establishing a network link from a medical diagnostic system with a remote protocol library (Figures 1 and 2; column 4, line 66, through column 6, line 38); accessing data from the protocol library defining the desired protocol (column 7, lines 1-46); and transmitting the data from the library to the diagnostic system (column 7, lines 1-46). Wood does not disclose verifying a subscription status for access to the desired protocol, but Wyman (U.S. Patent 5,260,999) teaches verifying a subscription status for access to a program (column 6, line 43, through column 7, line 40).

Wood does not expressly disclose displaying a protocol list on a user interface at the medical diagnostic system; and selecting a desired protocol from the list, based at least partially on a user viewable indicia descriptive of the desired protocol. However, Wood does disclose selecting a desired protocol (column 7, line 1, through column 8,

line 4), and it is well known to display lists of items on a user interface, and select a desired item from a list. Wood does not disclose displaying at least one of a plurality of protocol lists at a first medical diagnostic medical system, establishing network links from one of a first modality diagnostic system or a second modality diagnostic system, and transmitting data from the protocol library to one of the first modality diagnostic system or a second modality diagnostic system. However, to duplicate known parts for multiple effects is held to be within the level of ordinary skill in the relevant art. Wood discloses exemplary images obtainable via the diagnostic system (column 9, line 67, through column 10, line 43) but does not disclose that the user viewable indicia include an exemplary image obtainable via the protocol, nor does Wyman or any other prior art of record teach this. The exemplary image found at the diagnostic end of Wood's process cannot properly be moved to the protocol selection process at the front of Wood's process, absent teaching in the prior art, which is lacking. Font selection in Microsoft Word shows the name of each font which a user can choose to select printing in that font, but this is not analogous art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 46-50 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Wood et al. (U.S. Patent 5,891,035), discloses a system for providing an operational protocol for a medical diagnostic system, the system comprising: at least one storage device for storing data defining a first modality protocol, including user viewable indicia descriptive of the first modality protocol (column 2, lines 8-19 and 30-49; column 7, lines 1-43). Wood does not expressly disclose a messaging module for formulating messages containing data descriptive of the first and second modality protocols, but Wood discloses transmitting the protocol to a medical diagnostic system (column 7, lines 1-58), and discloses the user selecting appropriate protocols (column 7, line 1, through column 8, line 4). Wood does not disclose a license module for verifying a subscription status regarding the first protocol, but Wyman (U.S. Patent 5,260,999) teaches a license module for verifying a subscription status for access to a program (column 6, line 43, through column 7, line 40). Wood does not disclose communications circuitry for establishing network links to first and second modality diagnostic systems and for transmitting data descriptive of the first modality protocol to the first modality system and data descriptive of the second modality protocol to the second modality diagnostic system. However, Munoz (U.S. Patent 6,343,124) teaches communication circuitry for establishing network links to first and second modality systems and for transmitting appropriate first and second data to said first and second systems (Abstract; column 3, lines 11-54). Wood discloses exemplary images obtainable via the diagnostic system (column 9, line 67, through column 10, line 43) but does not disclose that the user viewable indicia include an exemplary image obtainable via each protocol,

nor does Wyman, Munoz, or any other prior art of record teach this. The exemplary image found at the diagnostic end of Wood's process cannot properly be moved to the protocol selection process at the front of Wood's process, absent teaching in the prior art, which is lacking. Font selection in Microsoft Word shows the name of each font which a user can choose to select printing in that font, but this is not analogous art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 51-53 and 55-58 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Wood et al. (U.S. Patent 5,891,035), discloses a method for providing an operational protocol for a medical diagnostic system, the method comprising the steps of: storing protocols for a medical diagnostic system on a machine readable medium (column 2, lines 8-19 and 30-49; column 7, lines 1-43). Wood does not expressly disclose transmitting a description of the protocol to a medical diagnostic system; and displaying the description of the protocol at the medical diagnostic system. However, Wood discloses transmitting the protocol to a medical diagnostic system (column 7, lines 1-58), and discloses the user selecting appropriate protocols (column 7, line 1, through column 8, line 4), as well as displaying information descriptive of protocols at a medical diagnostic system (column 2, lines 8-19 and 30-49; column 7,



line 1, through column 8, line 4). Wood does not disclose verifying a subscription status for access to the protocol, but Wyman (U.S. Patent 5,260,999) teaches verifying a subscription status for access to a program (column 6, line 43, through column 7, line 40). Wood does not disclose storing a plurality of different modality protocols for first modality diagnostic system and second modality diagnostic system, transmitting a description of the protocols to one of the first modality diagnostic system or a second modality diagnostic system, and displaying the description at one of the first modality diagnostic system and a second modality diagnostic system. However, to duplicate known parts for multiple effects is held to be within the level of ordinary skill in the relevant art. Wood discloses exemplary images obtainable via the diagnostic system (column 9, line 67, through column 10, line 43) but does not disclose that the user viewable indicia include an exemplary image obtainable via each protocol, nor does Wyman or any other prior art of record teach this. The exemplary image found at the diagnostic end of Wood's process cannot properly be moved to the protocol selection process at the front of Wood's process, absent teaching in the prior art, which is lacking. Font selection in Microsoft Word shows the name of each font which a user can choose to select printing in that font, but this is not analogous art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shima (U.S. Patent Application Publication 2002/0004802 A1) discloses a computer peripheral device and a processing system having an image information processing system (note paragraphs 13 and 41).

Bright ("Maclispix") discloses an image analysis program with sample images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306; this will be changed to 571-273-8300 as of July 15, 2005. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Nicholas D. Rosen*  
**NICHOLAS D. ROSEN**  
**PRIMARY EXAMINER**

July 6, 2005